

June 14, 2002

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Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: *Ex parte* notice in Docket Nos. MM 01-317 and CC 02-33.

Dear Ms. Dortch:

On June 10, 2002, Andrew Jay Schwartzman, Cheryl A. Leanza, Harold Feld, Julia Dmytryshyn and Andrea Harrington of Media Access Project met with Commissioner Martin and his Legal Advisor Catherine Crutcher Bohigian.

We discussed several issues, largely reiterating points made by Media Access Project on behalf of its clients in several matters. Specifically, we made the following points:

In the context of the local radio ownership proceeding, Arbitron and other private sector market measures are easily manipulable by private parties.

LMA abuses have been receiving insufficient attention from Commission staff. The low level of fines imposed on violators sends a message that licensees can circumvent FCC rules.

The Commission's proposal to forbear from the U.S. Court of Appeals for the Ninth Circuit decision in *Portland v. AT&T* is inappropriate and the facts articulated by the FCC insufficient to justify forbearance.

The Commission's proposed approach in the wireline open access NPRM, which deregulates Internet access, but then reimposes regulation through the Commission's Title I authority is ill-advised and will make the Commission vulnerable to litigation.

Pursuant to Section 1.1206, 47 C.F.R. §1.1206, this letter and its attachment are being filed electronically with your office today.

Sincerely,

Cheryl A. Leanza
Deputy Director